

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.13947 of 2000

Dated: 26-12-2007

Between:

Andhra Pradesh State Road Transport Corporation,
rep. by its Managing Director,
Mushirabad,
Hyderabad.

... Petitioner

and

1. State Transport Appellate Tribunal,
Andhra Pradesh,
Hyderabad,
rep. by its Presiding Officer and 2 others.

... Respondents

ORDER:

Questioning the order in R.P.No.33/94, dated 15-12-1999 passed by first respondent – State Transport Appellate Tribunal confirming the order in Rc.No.43577/B1/93 (item No.19) dated 07-07-1994 passed by second respondent – State Transport Authority, Andhra Pradesh, Hyderabad; the Andhra Pradesh State Road Transport Authority filed the present writ petition.

2. Facts, in brief, are: One K. Venkata Siva Reddy, third respondent herein, filed an application before the second respondent seeking countersignature of stage carriage permit on the interstate route Hindupur to Chintamani for the portion lying in Andhra Pradesh State, stating that the Karnataka State Transport Authority, Bangalore at its meeting dated

26/27-07-1993 in item No.147/93 has granted stage carriage permit on the said interstate route Chintamani to Hindupur and back with two round trips per day via, Bagepalli, Kodikonda, Chilamathu and Lepakshi. The said route is covered by SI.No.41 of Annexure-A of interstate agreement published in G.O.Ms.No.1005 dated 01-08-1975 and allowed to the nominees of Karnataka State with provision of one and two as minimum and maximum buses to make one and two round trips at minimum and maximum. Out of the two maximum trips provided in the agreement,

there is provision only for one round trip per day. In view of the same, the second respondent granted countersignature for one round trip duly, rejecting the countersignature for the second round trip sought by the third respondent vide proceedings in Rc.No.43577/B1/93 (item No.19) dated 07-07-1994. Aggrieved thereby, the petitioner herein filed R.P.No.33/94 before the first respondent and the same was dismissed vide order dated 15-12-1999. Assailing the said orders, the present writ petition has been filed.

3. Heard learned counsel for the parties.

4. Learned Standing Counsel appearing for petitioner vehemently contended that the route in question overlaps the notified routes of the State Transport Authority and that the conditions in G.O.Ms.No.366 prohibits grant of permit to any applicant, as no exemption is provided for future entrants after publication of the approved scheme. He further contended that the route surveyed by the Additional Motor Vehicle Inspector is different from the notified routes in the Interstate agreement.

5. Learned counsel for the third respondent while reiterating the

averments mentioned in the counter affidavit contended *inter alia* that the Karnataka State Transport Authority, Bangalore granted a stage carriage permit to him on the interstate route Chintamani to Hindupur with two round trips vide order in item No.147/93, dated 26/27/07-1993. The said route finds place at Serial No.41 of Annexure-A of the Interstate Agreement published in G.O.Ms.No.1005, dated 01-09-1975 and the route stands allotted to the Karnataka State. Since part of the route lies in the state of Andhra Pradesh, he filed an application before the second respondent seeking countersignature. The second respondent rightly found that the schemes published in G.O.Ms.Nos.110, 127 and 160 dated 04-03-1978 provide exemption in respect of future grant of permits also covered by concluded Interstate Agreements. He further contended that second respondent though erroneously observed that the route in question overlaps the notified route G.O.Ms.No.366, dated 16-07-1983 for a distance of 4 K.Ms. from Kodikonda cross to interstate border on Bangalore road, ultimately granted countersignature only for one round trip i.e. two singles instead of two round trips as applied for. He also contended that initially the Motor Vehicle Inspector, Hindupur submitted a survey report even without notice to him and when this fact was brought to the notice of the first respondent; it directed to conduct joint survey.

The Additional Motor Vehicle Inspector, Hindupur conducted survey and submitted a report not only in respect of the scheme in G.O.Ms.No.366 dated 16-07-1983 but also other schemes which were not covered by the orders of the Tribunal. As per the scheme in G.O.Ms.No.366, dated

16-07-1983 the route in question overlaps the scheme route for a distance of 0.3 KMs from Kodikonda check post to Kodikonda cross. The first respondent Tribunal after considering the matter dismissed the revision, by order dated 15-12-1999. In the said order the Tribunal found that the overlapping of 0.3 KMs in respect of the scheme published in G.O.Ms.No.366, dated 16-07-1983 is only an intersection. In respect of the other schemes the Tribunal found that exemption has been provided for the interstate permits. He therefore contended that as the Tribunal confirmed the order passed by the second respondent with valid reasons, the orders impugned does not call for any

interference by this Court.

6. There is no dispute to the fact that the Karnataka State Transport Authority, Bangalore granted a stage carriage permit to the third respondent on the interstate route Chintamani to Hindupur with two round trips vide order in item No.147/93, dated 26/27/07-1993. The said route finds place at Serial No.41 of Annexure-A of the Interstate Agreement published in G.O.Ms.No.1005, dated 01-09-1975 and the route stands allotted to the Karnataka State. Even according to petitioner Corporation, there is an exemption provided to the operators of the Karnataka State in respect of the routes included in the existing as well as the future interstate agreements in respect of the scheme routes published in G.O.Ms.Nos.110, 127 and 160 dated 04-03-1978. As stated above the route in question is included in the interstate agreement at Serial No.41 of Annexure-A of the agreement published in G.O.Ms.No.1105, dated 01-09-1975 and the third respondent is a Karnataka operator. As regards the overlapping in G.O.Ms.No.366, dated 16-07-1983 the Tribunal rightly found that 0.3 KMs is an inter-section, which crosses the main road.

7. Though the Additional Motor Vehicle Inspector, Hindupur in his survey report dated 28-08-1999 submitted that the route on which permit is granted is different from the notified route in the interstate agreement, the said observations are without any basis and beyond the scope of the directions of the Tribunal. Further the observations are imaginary as it is not possible to give a finding merely because there is some variation in route length. As such the said observation is neither valid nor called for and it has no legal effect.

8. Given the facts and circumstances, as they are, this Court is of the view that the Tribunal rightly found that the so-called overlapping of 0.3 KMs is only an intersection as the route in question crosses the main road at the check post. There needs no interference by this Court calling for records relating to the orders impugned, as they do not suffer from any infirmity legal or otherwise.

9. Accordingly, the writ petition is dismissed. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.26-12-2007

GLV